

Court of Appeals, State of Michigan

ORDER

AAA Invest v Floyd Barnes

Docket No. 259933

LC No. 01-124401-CH

Janet T. Neff
Presiding Judge

Jane E. Markey

Karen M. Fort Hood
Judges

The Court, acting under MCR 7.203(F)(2), orders that the motion for reconsideration is DENIED. Irrespective of the validity of the September 21, 2001 consent judgment, which is by definition the final order in the case, the December 3, 2004 order denying appellant's motion to set the judgment aside is a postjudgment order that is not appealable as a matter of right in view of the fact that the motion was not filed within 21 days of the judgment's entry. *Allied Electric Supply Co v Tenaglia*, 461 Mich 285, 288; 602 NW2d 572 (1999). Appellant's reliance upon case law allowing an appeal of right in this situation, but which predates the adoption of the definition of a final order by our Supreme Court, is misplaced since the final order definition supercedes any prior case law. *Id.*



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 15 2005

Date

Sandra Schultz Mengel
Chief Clerk